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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,478	06/28/2001	Harriet G. Coverston	P6433	5934
22852	7590	04/21/2004	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 1300 1 STREET, NW WASHINGTON, DC 20005			GODDARD, BRIAN D	
		ART UNIT	PAPER NUMBER	
		2171	S	
DATE MAILED: 04/21/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/894,478	COVERSTON, HARRIET G. <i>SL</i>
	Examiner	Art Unit
	Brian Goddard	2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 January 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-5,7-19,24-28,30-42,47-51 and 53-65 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-5,7-19,24-28,30-42,47-51 and 53-65 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 28 June 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. _____
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ 5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

1. This communication is responsive to Amendment A, filed 26 January 2004.
2. Claims 1-5, 7-19, 24-28, 30-42, 47-51 and 53-65 are pending in this application. Claims 1, 24 and 47 are independent claims. In Amendment A, claims 6, 20-23, 29, 43-46, 52 and 66-69 were cancelled, and claims 1, 7-9, 12-13, 15-16, 24-25, 30-32, 35-36, 38-39, 47-51, 53-56, 58-59 and 61-63 were amended. This action is made Final.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-2, 5, 7-8, 13-15, 18-19, 24-25, 28, 30-31, 36-38, 41-42, 47-48, 51, 53-54, 59-61 and 64-65 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0031176 to Sim.

Referring to claim 1, Sim discloses a method for managing files in a file system as claimed. See Figures 1-9 & 21 and the corresponding portions of Sim's specification for this disclosure. In particular, Sim teaches "a method for managing files in a file system, comprising:

receiving [2115A (See Fig. 21E)] data for a file;
breaking [2115C] the data in the file into a plurality of segments [blocks (also referred to as segments)]; {also see Fig. 9}

generating an index [See paragraphs 0217-0231 (block indices)] associated with the file indicating how the file data maps to the segments;

receiving an Input/Output request [See paragraphs 0048, 0080, 0097 & 0122-0129] with respect to a requested address [offset] in the file;

using the index [See paragraphs 0217-0231] associated with the file to determine ['search' command] the segment including data [See paragraphs 0122-0129] at the requested address in the file;

accessing ['get' command] the determined segment including the data at the requested address;

storing the segments [See Fig. 21E] in a primary storage [1530 (associated with a particular Distribution Server 1510)];

copying [distributing (See paragraphs 0115-0121)] at least one of the segments in the primary storage onto a secondary storage [at another node]; and

releasing ['clean' command] at least one of the segments copied to the secondary storage [after replication portion of distribution], wherein space used by the released segment in the primary storage is available for use [See e.g. paragraph 0109]" as claimed.

Referring to claim 2, Sim discloses the method for managing files in a file system as claimed. See Figure 9 and the corresponding portion of Sim's specification, specifically paragraphs 0089-0096, for the details of this disclosure. Sim's data is stored in the segments by writing the received file [900 or 950] to one segment [block], and writing further received data for the file to subsequent segments [blocks] if the last

segment to which the received data was written has no more available space as claimed.

Referring to claim 5, Sim discloses the method for managing files in a file system as claimed. See Figures 9-10 and the corresponding portions of Sim's specification for this disclosure. In particular, Sim teaches the method of claim 1, as above, further comprising "providing a segment size [block size] that is at least greater than a byte size of a largest section [track] within the file; and writing each file section [track] to one segment [block]" as claimed.

Referring to claim 7, Sim discloses the method for managing files in a file system as claimed. See Figure 13 and the corresponding portion of Sim's specification for this disclosure. Sim teaches the method of claim 1, as above, "wherein as a result of releasing one or more segments [distributing the blocks], different segments for one file are capable of being stored in the primary storage and the secondary storage [on many different nodes]" as claimed.

Referring to claim 8, Sim discloses the method for managing files in a file system as claimed. See Paragraphs 0122-0125 of Sim's specification for this disclosure. Sim teaches the method of claim 1, as above, "wherein accessing the determined segment including the requested address [See claim 1 above] further comprises "determining whether the determined segment is available in the primary storage [See paragraph 0123]; and copying the determined segment from the secondary storage to the primary storage if the determined segment is not available in the primary storage [See paragraph 0125]" as claimed.

Referring to claims 13 & 14, Sim discloses the method for managing files in a file system as claimed. See paragraphs 0224-0231 of Sim's specification for this disclosure. Sim teaches the method of claim 1, as above, further comprising "maintaining metadata for each segment [block] that is also maintained for files in the file system [See paragraph 0225]; and using the metadata for segments [blocks] and files to determine when to copy segments and files to the secondary storage and when to release segments and files in the primary storage [popularity index and usage rating]" if used space in the primary storage reaches a threshold level [capacity] as claimed.

Referring to claim 15, Sim discloses the method for managing files in a file system as claimed. See the abstract, summary, and selected portions of the specification mentioned above for this disclosure. Sim's file data in all the segments [blocks] for the file [large payload file] is capable of being larger than a storage capacity of the primary storage as claimed.

Referring to claim 18, Sim discloses the method for managing files in a file system as claimed. See Figures 7-11 and the corresponding portions Sim's specification for this disclosure. Sim's segment [block] does not have a file name and is not represented as a file in the file system as claimed.

Referring to claim 19, Sim discloses the method for managing files in a file system as claimed. See Figures 7-11 and paragraphs 0224-0231 for the details of this disclosure. Sim's index is stored in the file [in the file metadata], wherein no user data is stored in the file [metadata] and all the user data is distributed in the segments [blocks] as claimed.

Claims 24-25, 28, 30-31, 36-38 and 41-42 are rejected on the same basis as claims 1-2, 5, 7-8, 13-15 and 18-19 respectively. See the discussions regarding claims 1-2, 5, 7-8, 13-15 and 18-19 above for the details of this disclosure.

Claims 47-48, 51, 53-54, 59-61 and 64-65 are rejected on the same basis as claims 1-2, 5, 7-8, 13-15 and 18-19 respectively. See the discussions regarding claims 1-2, 5, 7-8, 13-15 and 18-19 above for the details of this disclosure.

Claim Rejections - 35 USC § 103

4. Claims 3-4, 26-27 and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sim in view of U.S. Patent No. 6,415,280 to Farber et al.

Referring to claim 3, Sim teaches the method of claim 1, as above, wherein each segment [block] has a fixed byte length [See paragraph 0227], wherein the index provides a segment order indicating an order in which file data is written to the segments [See Figs. 9-10 and paragraphs 0223-0229], and wherein the index for the file is used to determine the segment including data at the requested address in the file by determining an offset into the file including the data at the requested address [See paragraphs 0015-0016 & 0097] as claimed.

Sim is silent on the details of the means by which the segment [block] number containing the requested address is determined from the offset provided. Thus, Sim does not explicitly teach "determining an integer quotient value resulting from the offset into the file divided by the fixed byte length, wherein the segment including the data at

the requested address is the segment at the integer quotient value in the segment order" as claimed.

Farber discloses a system and method similar to that of Sim, wherein the segment to be read is identified "by dividing the specified file offset...by the fixed size of a segment..." See column 21, lines 16-50 for the details of this disclosure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add Farber's functionality of dividing the offset by the fixed byte length to the system and method of Sim in order to determine the segment [block] number containing the requested address. One would have been motivated to do so because this would be an efficient, direct and logical means to obtain this information and fill Sim's silence of the implementation details.

Referring to claim 4, the system and method of Sim in view of Farber as applied to claim 3 above discloses the invention as claimed. See paragraphs 0131-0136 of Sim's specification for this disclosure. Sim's (as modified by Farber) fixed byte length of each segment [block] is determined by user input as claimed.

Claims 26-27 are rejected on the same basis as claims 3-4 respectively, in light of the basis for claim 24 above. See the discussions regarding claims 1, 3-4 and 24 above for the details of this disclosure.

Claims 49-50 are rejected on the same basis as claims 3-4 respectively, in light of the basis for claim 47 above. See the discussions regarding claims 1, 3-4 and 47 above for the details of this disclosure.

5. Claims 9-12, 16-17, 32-35, 39-40, 55-58 and 62-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sim in view of U.S. Patent No. 6,490,666 to Cabrera et al.

Referring to claim 9, it is unclear whether Sim's system stores a partial version of the released segment as claimed. Sim teaches storing metadata of the released segment on the primary storage after the segment is released (See above cited portions regarding file/block metadata), but does not explicitly state that the metadata is "a partial version" of the released segment as claimed. However, the storing of metadata of the released segment is suggestion in itself for storing a partial version of the released segment.

Cabrera discloses a system and method similar to that of Sim, wherein a partial version of the released segment is stored on the primary storage. See Figures 3-5 and the corresponding portions of Cabrera's specification for this disclosure. Specifically, Cabrera teaches "storing a partial version ['stub file' – at least one data block buffered from the original file] of the released segment [file portion (or block)] including less than all data in the segment, wherein the segment data not in the partial version is stored in the secondary storage [migrated to remote storage], wherein the partial version [stub file] remains on the primary storage [local storage] after the segment is released" as claimed. Also see e.g. column 1, lines 53-58 and the discussions of steps 604 & 704 for an overview of this disclosure.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Cabrera's storage of a stub file for a released file

block into the system and method of Sim so as to store a stub file on the primary storage for each released file segment. One would have been motivated to do so in order to speed access of the file segments to the requesting application programs from the primary storage as taught by Cabrera in the background of the invention section, and further because of Sim's suggestion as discussed above.

Referring to claim 10, the system and method of Sim in view of Cabrera as applied to claim 9 above discloses the invention as claimed. See Figures 9-11 & 21 and the corresponding portions of Sim's specification, as well as Figures 3-7 and the corresponding portions of Cabrera's specification for this disclosure. Sim, as modified by Cabrera, teaches the method of claim 9, as above, "wherein the partial version of the determined segment is on the primary storage and wherein accessing the determined segment including the requested address further comprises:

accessing [Cabrera: Step 708] the partial version [stub file – buffered data block] of the determined segment on the primary storage [local storage – local DS relative to requesting application] to access that data therein;

reaching the end [Cabrera: Step 724] of the partial version when accessing data therein;

staging [Cabrera: Steps 706-712] from the secondary storage to the primary storage data from the determined segment that is not in the partial version; and

accessing [Cabrera: Step 722] the data from the determined segment staged from the secondary storage to the primary storage" as claimed.

Referring to claim 11, the system and method of Sim in view of Cabrera as applied to claim 9 above discloses the invention as claimed. See Figures 3-5 and the corresponding portions of Cabrera's specification for this disclosure. Cabrera's implementation of stub file storage, as implemented in Sim's system, teaches that the partial version [stub file] is stored only for a first segment [first file block/portion] of the segments associated with the file [only one stub file per file, corresponding to the first file block] as claimed.

Claim 12 is rejected on the same basis as claim 10. See the discussion regarding claim 10 above for the details of this disclosure.

Referring to claim 16, Sim teaches the method of claim 1, as above, further comprising "reading data from one target segment on the secondary storage" as claimed. See the discussions regarding claims 1-5 above for the details of this disclosure. Sim does not explicitly teach the steps of determining whether a stage attribute is specified and initiating read requests to stage the number of subsequent segments as claimed.

Cabrera, as mentioned above, discloses a system and method similar to that of Sim, wherein a stage attribute is specified for staging subsequent segments as claimed. See Figures 5-6 and the corresponding portions of Cabrera's specification for this disclosure. Cabrera teaches "determining whether a stage attribute [502] is specified indicating a number of segments to stage ahead; and initiating read requests [Steps 614-616] to stage the number of subsequent segments following the target segment from the secondary storage to the primary storage" as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add Cabrera's staging functionality based on the stage attribute to the system and method of Sim, in order to determine how many file segments to stage ahead. One would have been motivated to do so in order to prevent staging more segments than necessary, making the system more efficient in memory usage and speed.

Referring to claim 17, the system and method of Sim in view of Cabrera as applied to claim 16 above discloses the invention as claimed. See Figure 5 and the corresponding portion of Cabrera's specification for this disclosure. Cabrera's stage attribute [502], as applied in the system of Sim, is user specified. Thus the combination discloses receiving user input indicating the number of segments to stage ahead as claimed.

Claims 32-35 are rejected on the same basis as claims 9-12 respectively, in light of the basis for claim 29 above. See the discussions regarding claims 1, 6, 9-12 and 29 above for the details of this disclosure.

Claims 39-40 are rejected on the same basis as claims 16-17 respectively, in light of the basis for claim 29 above. See the discussions regarding claims 1, 6, 16-17 and 29 above for the details of this disclosure.

Claims 55-58 are rejected on the same basis as claims 9-12 respectively, in light of the basis for claim 52 above. See the discussions regarding claims 1, 6, 9-12 and 52 above for the details of this disclosure.

Claims 62-63 are rejected on the same basis as claims 16-17 respectively, in light of the basis for claim 52 above. See the discussions regarding claims 1, 6, 16-17 and 52 above for the details of this disclosure.

Response to Arguments

6. Applicant's arguments filed 26 January 2004 have been fully considered but they are not persuasive.

Referring to applicant's remarks on pages 19-22 regarding the Section 102 rejection of the amended independent claims: Applicant argued that Sim fails to disclose the steps of "storing the segments in a primary storage; copying at least one of the segments in the primary storage onto a secondary storage; and releasing at least one of the segments copied to the secondary storage, wherein space used by the released segment in the primary storage is available for use" as claimed (previously recited in dependent claim 6).

The examiner disagrees for the following reasons: Applicant's arguments are based on features which are not claimed. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the file is released from the primary storage at the time of copying to the secondary storage; and the file is not released from secondary storage when released from primary storage) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Sim's storage of the file segments in the Distribution Server is "storing the segments in a primary storage" as claimed (See the grounds of rejection above). Sim's distribution of the file segments from the Distribution Server to other nodes in the network is "copying at least one of the segments in the primary storage onto a secondary storage" as claimed (See the grounds of rejection above). Finally, Sim's execution of the 'clean' command is "releasing at least one of the segments copied to the secondary storage, wherein space used by the released segment in the primary storage is available for use" as claimed (See the grounds of rejection above). Even if a clean command from Sim's system does completely wipe out all traces of the file from both the Distribution Server (the primary storage) and the neighboring nodes (the secondary storage), as asserted by applicant, this still teaches the invention **as claimed** because the claims contain no limitation requiring the segment remain on the secondary storage when released from the primary storage. Therefore, Sim does teach the storing, copying and releasing elements in applicant's claims.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Goddard whose telephone number is 703-305-7821. The examiner can normally be reached on M-F, 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bdg
12 April 2004



SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100